

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

17 February 1998 (17.02.98)

International application No.

PCT/EP97/03550

Applicant's or agent's file reference

K 46 245/6be

International filing date (day/month/year)

04 July 1997 (04.07.97)

Priority date (day/month/year)

04 July 1996 (04.07.96)

Applicant

SILVA, Jose

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

26 January 1998 (26.01.98)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Catherine Massetti

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING
SUBMISSION OF PRIORITY DOCUMENTS

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

HIRSCH, Peter
Klunker, Schmitt-Nilson, Hirsch
Winzererstrasse 106
D-80797 München
ALLEMAGNE

Date of mailing (day/month/year) 29 January 1998 (29.01.98)		IMPORTANT NOTIFICATION	
Applicant's or agent's file reference K 46 245/6be			
International application No. PCT/EP97/03550	International filing date (day/month/year) 04 July 1997 (04.07.97)	Priority date (day/month/year) 04 July 1996 (04.07.96)	
Applicant W.L. GORE & ASSOCIATES GMBH et al			

The applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to the following application(s):

<u>Priority application No.:</u>	<u>Priority date:</u>	<u>Priority country:</u>	<u>Date of receipt of priority document:</u>
196 27 030.8	04 Jul 1996 (04.07.96)	DE	04 Nov 1997 (04.11.97)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Catherine Massetti Telephone No.: (41-22) 338.83.38
--	--

PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING
DOCUMENT TRANSMITTED

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

29 January 1998 (29.01.98)

in its capacity as designated Office

International application No.

PCT/EP97/03550

International filing date (day/month/year)

04 July 1997 (04.07.97)

Applicant

W.L. GORE & ASSOCIATES GMBH et al

The International Bureau transmits herewith the following documents and number thereof:

_____ cop(ies) of priority document(s) (Rule 17.2(a))

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

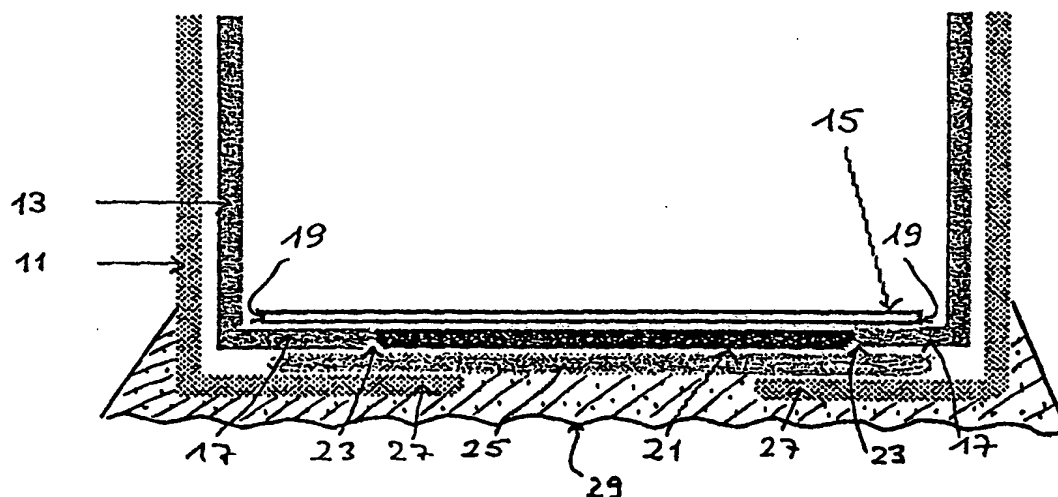
Catherine Massetti

Telephone No.: (41-22) 338.83.38



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : A43B 7/12, 7/36		A1	(11) International Publication Number: WO 98/01049
			(43) International Publication Date: 15 January 1998 (15.01.98)
(21) International Application Number: PCT/EP97/03550 (22) International Filing Date: 4 July 1997 (04.07.97) (30) Priority Data: 196 27 030.8 4 July 1996 (04.07.96) DE (71) Applicant (for all designated States except US): W.L. GORE & ASSOCIATES GMBH [DE/DE]; Hermann-Oberth-Strasse 22, D-85640 Putzbrunn (DE). (72) Inventor; and (75) Inventor/Applicant (for US only): SILVA, Jose [PT/PT]; Quinta do Arieiro, 30, Souta Redondo, S. Joao de Ver., P-4520 Feira (PT). (74) Agent: HIRSCH, Peter; Klunker, Schmitt-Nilson, Hirsch, Winzererstrasse 106, D-80797 München (DE).		(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, HU, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ARIPO patent (GH, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG). Published <i>With international search report.</i>	

(54) Title: **WATERPROOF FOOTWEAR**

(57) Abstract

Waterproof footwear with an upper material shaft consisting of a water vapor permeable upper material (11), with a functional layer shaft (13) which is arranged inside of the upper material shaft (11) and which consists of a waterproof functional layer arranged inside of the upper material shaft (11), with an insole (15) and with an outsole (29), wherein the sole-facing end area (27, 17) of both the upper material shaft (11) and the functional layer shaft (13) is turned around the circumferential edge of the insole (15) between the insole (15) and the outsole (29), in case of the sole-facing end area (27) of the upper material shaft (11) in the form of a lasting allowance. In this construction the sole-side opening of the functional layer shaft (13) is closed by means of a closing piece (21) consisting of any material, the only condition being that it must be sewable, which is sewn (23) to the edge of this opening and extends underneath the insole (15). Furthermore, a waterproof sealant material (25) sealing both the seam (23) between the functional layer shaft (13) and the closing piece (21) itself is arranged between the closing piece (21) and the lasting allowance (27) of the upper material shaft (11). The waterproof functional layer (13) may also be water vapor permeable.

INTERNATIONAL SEARCH REPORT

Internat. Application No
PCT/EP 97/03550

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A43B7/12 A43B7/36

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 6 A43B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 44 19 802 A (AKZO NOBEL NV) 7 December 1995 see column 9, line 36 - line 62; figure 1 ---	1-6,9-12
Y	EP 0 284 638 A (KUK SCHUHFABRIK GMBH) 5 October 1988 see column 3, line 14 - line 43; figures ---	1-6,9-12
P,A	PATENT ABSTRACTS OF JAPAN vol. 096, no. 012, 26 December 1996 & JP 08 196305 A (ASAHI CORP), 6 August 1996, see abstract ---	1
P,A	EP 0 736 266 A (GORE W L & ASS GMBH) 9 October 1996 cited in the application see abstract; figures ---	7,8
-/-		



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

20 October 1997

Date of mailing of the international search report

31. 10. 97

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Scholvinck, T

INTERNATIONAL SEARCH REPORT

Internat. Application No
PCT/EP 97/03550

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 92 20249 A (PHURNESS PTY LTD) 26 November 1992 see abstract; figures ---	7
A	DE 34 47 205 A (WINTER OPTIK) 3 July 1986 see figures -----	8

INTERNATIONAL SEARCH REPORT

Information on patent family members

Internat. Application No

PCT/EP 97/03550

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 4419802 A	07-12-95	EP 0688511 A	27-12-95
EP 0284638 A	05-10-88	NONE	
EP 0736266 A	09-10-96	DE 29505886 U	01-08-96
		JP 8299017 A	19-11-96
WO 9220249 A	26-11-92	AU 660980 B	13-07-95
		GB 2273436 A,B	22-06-94
		US 5426870 A	27-06-95
DE 3447205 A	03-07-86	NONE	

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A43B7/12 A43B7/36

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A43B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 44 19 802 A (AKZO NOBEL NV) 7 December 1995 see column 9, line 36 - line 62; figure 1 ---	1-6,9-12
Y	EP 0 284 638 A (KUK SCHUHFABRIK GMBH) 5 October 1988 see column 3, line 14 - line 43; figures ---	1-6,9-12
P,A	PATENT ABSTRACTS OF JAPAN vol. 096, no. 012, 26 December 1996 & JP 08 196305 A (ASAHI CORP), 6 August 1996, see abstract ---	1
P,A	EP 0 736 266 A (GORE W L & ASS GMBH) 9 October 1996 cited in the application see abstract; figures ----	7,8
	--- -/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

20 October 1997

Date of mailing of the international search report

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Scholvinck, T

ERNAL SEARCH REPORT

Interr. Application No
PCT/EP 97/03550

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 92 20249 A (PHURNESS PTY LTD) 26 November 1992 see abstract; figures ---	7
A	DE 34 47 205 A (WINTER OPTIK) 3 July 1986 see figures -----	8

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 26 AUG 1998

Applicant's or agent's file reference K 46 245/6be	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 97/ 03550	International filing date (day/month/year) 04/07/1997	Priority date (day/month/year) 04/07/1996
International Patent Classification (IPC) or national classification and IPC A43B7/12		
Applicant W.L. GORE & ASSOCIATES GMBH et al.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consists of a total of _____ sheets.
3.	This report contains indications and corresponding pages relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned-statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 26/01/1998	Date of completion of this report 21.08.98
Name and mailing address of the IPEA/ European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel.: (+31-70) 340-2040, Tx. 31 651 epo nl Fax: (+31-70) 340-3016	Authorized officer <div style="text-align: right;">T.S. SCHÖLVINCK</div> Telephone No. _____



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP97/03550

I. Basis of the report

1. This report has been drawn up on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

☒ the international application as originally filed

☐ the description, pages

, as originally filed

pages

, filed with the demand

pages

, filed with the letter of

☐ the claims, Nos.

, as originally filed

Nos.

, as amended under Article 19

Nos.

, filed with the demand

Nos.

, filed with the letter of

☐ the drawings, sheets / fig.

, as originally filed

sheets / fig.

, filed with the demand

sheets / fig.

, filed with the letter of

2. The amendments have resulted in the cancellation of:

☐ the description, pages:

☐ the claims, Nos.

☐ the drawings, sheets / fig.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2 (c)).

4. Additional observations, if necessary:



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP97/03550

V. Reas ned statement under Article 35(2) with regard to n velty, inv ntiv step r industrial applicability; citation and explanations supporting such statement

1. Statement

Novelty	Claims	1- 12	YES
	Claims		NO
Inventive Step	Claims	1- 12	YES
	Claims		NO
Industrial Applicability	Claims	1- 12	YES
	Claims		NO

2. Citations and Explanations

Pri r art: DE- A- 4419802 discloses (column 9, line 36- 62) waterproof footwear with an upper material shaft (2), with a functional layer shaft (4) arranged on the inside of the upper material shaft, containing a waterproof functional layer, with an insole (column 9, line 45- 51) and with an outsole (9), wherein the sole- facing end area of the functional layer shaft is turned around the circumferential edge of the insole between the insole and the outsole, the sole- facing opening of the functional layer shaft is closed by means of a closing piece (6) and which is sewn to the edge of this opening and which extends underneath the insole, and that underneath the closing piece plus functional layer shaft a waterproof sealing glue (claim 1) and an intermediate sheet (5) is arranged which seals both the seam between the functional layer shaft and the closing piece itself (cf. claim 1).
The upper material shaft is preferably sewn to this intermediate part.

Pr blem: Instead of sewing the upper material and the intermediate sheet together, another way of finishing the upper material edge is wanted, while keeping the waterproof properties.

Solution: the upper material shaft is also turned around the circumferential edge of the insole between the insole and the outsole, the sole- facing end area of the upper material shaft is connected in the form of a lasting allowance. Between the closing piece and the lasting allowance of the upper material shaft a waterproof sealant is arranged which seals both the seam between the functional layer shaft and the closing piece itself.

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT****International application No.****PCT/EP97/03550**

There is no indication or suggestion in the prior art cited in the search report to come to the solution of the present invention: the skilled man would fix the lasting allowance around the closing piece plus functional layer, and then seal the product (glue plus intermediate sheet) such that under the closing piece and the lasting allowance of the upper material shaft a waterproof sealant is arranged, much like the solutions disclosed in JP- A- 8196395 and EP- A- 284638, which would not seal the seam between the functional layer shaft and the closing piece, or at least not as adequately as in the present invention.

Claims 2- 12 add further features to claim 1 and thus also relate to novel and inventive subject matter.

The present application does therefore satisfy the criteria set forth in Article 33(1), (2) and (3) PCT.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Independent claim is not in the two- part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document DE- A- 4419802) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

In the present case, the features known in combination from the document DE- A- 4419802 are cited in Section V; they belong in the preamble of such a claim.
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document DE- A- 4419802 is not mentioned in the description, nor is this document identified therein.
3. In claim 1, a typing error has been made: the part '...and the closing piece (21)...' appears twice in the last two lines of the claim.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Hirsch, Peter
KLUNKER, SCHMITT-NILSON, HIRSCH
Winzererstrasse 106
D-80797 München
ALLEMAGNE

EINGEGANGEN

27. AUG. 1998

DR. KLUNKER
DR. SCHMITT-NILSON-HIRSCH

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

21. 08. 98

Applicant's or agent's file reference

K 46 245/6be

IMPORTANT NOTIFICATION

International application No.

PCT/EP 97/ 03550

International filing date (day/month/year)

04/07/1997

Priority date (day/month/year)

04/07/1996

Applicant

W.L. GORE & ASSOCIATES GMBH et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Netherlands
Tel.: (+ 31-70) 340-2040, Tx. 31 651 epo nl
Fax: (+ 31-70) 340-3016

Authorized officer

G.L.M. Krieger
070-44 11 11

Telephone No.

PATENT COOPERATION TREATY

PCT


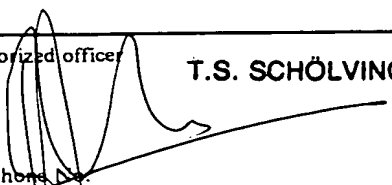
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K 46 245/6be	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 97/ 03550	International filing date (<i>day/month/year</i>) 04/07/1997	Priority date (<i>day/month/year</i>) 04/07/1996
International Patent Classification (IPC) or national classification and IPC A43B7/12		
Applicant W.L. GORE & ASSOCIATES GMBH et al.		

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- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consists of a total of _____ sheets.

3. This report contains indications and corresponding pages relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☒ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 26/01/1998	Date of completion of this report 21.08.98
Name and mailing address of the IPEA/  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel.: (+ 31-70) 340-2040, Tx. 31 651 epo nl Fax: (+ 31-70) 340-3016	Authorized officer T.S. SCHÖLVINCK  Telephone _____

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP97/03550

I. Basis of the report

1. This report has been drawn up on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

☒ the international application as originally filed

☐ the description, pages

, as originally filed

pages

, filed with the demand

pages

, filed with the letter of

☐ the claims, Nos.

, as originally filed

Nos.

, as amended under Article 19

Nos.

, filed with the demand

Nos.

, filed with the letter of

☐ the drawings, sheets / fig.

, as originally filed

sheets / fig.

, filed with the demand

sheets / fig.

, filed with the letter of

2. The amendments have resulted in the cancellation of:

☐ the description, pages:

☐ the claims, Nos.

☐ the drawings, sheets / fig.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2 (c)).

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citation and explanations supporting such statement

1. Statement

Novelty	Claims	1- 12	YES
	Claims		NO
Inventive Step	Claims	1- 12	YES
	Claims		NO
Industrial Applicability	Claims	1- 12	YES
	Claims		NO

2. Citations and Explanations

Prior art: DE- A- 4419802 discloses (column 9, line 36- 62) waterproof footwear with an upper material shaft (2), with a functional layer shaft (4) arranged on the inside of the upper material shaft, containing a waterproof functional layer, with an insole (column 9, line 45- 51) and with an outsole (9), wherein the sole- facing end area of the functional layer shaft is turned around the circumferential edge of the insole between the insole and the outsole, the sole- facing opening of the functional layer shaft is closed by means of a closing piece (6) and which is sewn to the edge of this opening and which extends underneath the insole, and that underneath the closing piece plus functional layer shaft a waterproof sealing glue (claim 1) and an intermediate sheet (5) is arranged which seals both the seam between the functional layer shaft and the closing piece itself (cf. claim 1).
The upper material shaft is preferably sewn to this intermediate part.

Problem: Instead of sewing the upper material and the intermediate sheet together, another way of finishing the upper material edge is wanted, while keeping the waterproof properties.

Solution: the upper material shaft is also turned around the circumferential edge of the insole between the insole and the outsole, the sole- facing end area of the upper material shaft is connected in the form of a lasting allowance. Between the closing piece and the lasting allowance of the upper material shaft a waterproof sealant is arranged which seals both the seam between the functional layer shaft and the closing piece itself.

There is no indication or suggestion in the prior art cited in the search report to come to the solution of the present invention: the skilled man would fix the lasting allowance around the closing piece plus functional layer, and then seal the product (glue plus intermediate sheet) such that under the closing piece and the lasting allowance of the upper material shaft a waterproof sealant is arranged, much like the solutions disclosed in JP- A- 8196395 and EP- A- 284638, which would not seal the seam between the functional layer shaft and the closing piece, or at least not as adequately as in the present invention.

Claims 2- 12 add further features to claim 1 and thus also relate to novel and inventive subject matter.

The present application does therefore satisfy the criteria set forth in Article 33(1), (2) and (3) PCT.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Independent claim is not in the two- part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document DE- A- 4419802) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).

In the present case, the features known in combination from the document DE- A- 4419802 are cited in Section V; they belong in the preamble of such a claim.
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document DE- A- 4419802 is not mentioned in the description, nor is this document identified therein.
3. In claim 1, a typing error has been made: the part '...and the closing piece (21)...' appears twice in the last two lines of the claim.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference K 46 245/6be	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 97/ 03550	International filing date (day/month/year) 04/07/1997	(Earliest) Priority Date (day/month/year) 04/07/1996
Applicant W.L. GORE & ASSOCIATES GMBH et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☐ Certain claims were found unsearchable (see Box I).

2. ☐ Unity of invention is lacking (see Box II).

3. ☐ The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing

☐ filed with the international application.

☐ furnished by the applicant separately from the international application,

☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.

☐ Transcribed by this Authority

4. With regard to the **title**, ☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is:

Figure No. 1 ☐ as suggested by the applicant.

☐ None of the figures.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP 97/03550

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A waterproof footwear with an upper material shaft consisting of a water vapor permeable upper material (11), with a functional layer shaft (13) which is arranged inside of the upper material shaft (11) and which consists of a waterproof functional layer arranged inside of the upper material shaft (11), with an insole (15) and with an outsole (29), wherein the sole-facing end area (27, 17) of both the upper material shaft (11) and the functional layer shaft (13) is turned around the circumferential edge of the insole (15) between the insole (15) and the outsole (29), in case of the sole-facing end area (27) of the upper material shaft (11) in the form of a lasting allowance. In this construction the sole-side opening of the functional layer shaft (13) is closed by means of a closing piece (21) consisting of any material, the only condition being that it must be sewable, which is sewn (23) to the edge of this opening and extends underneath the insole (15). Furthermore a waterproof sealant material (25) sealing both the seam (23) between the functional layer shaft (13) and the closing piece (21) itself is arranged between the closing piece (21) and the lasting allowance (27) of the upper material shaft (11). The waterproof functional layer (13) may also be water vapor permeable.

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A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A43B7/12 A43B7/36

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A43B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 44 19 802 A (AKZO NOBEL NV) 7 December 1995 see column 9, line 36 - line 62; figure 1 ---	1-6,9-12
Y	EP 0 284 638 A (KUK SCHUHFABRIK GMBH) 5 October 1988 see column 3, line 14 - line 43; figures ---	1-6,9-12
P,A	PATENT ABSTRACTS OF JAPAN vol. 096, no. 012, 26 December 1996 & JP 08 196305 A (ASAHI CORP), 6 August 1996, see abstract ---	1
P,A	EP 0 736 266 A (GORE W L & ASS GMBH) 9 October 1996 cited in the application see abstract; figures ---	7,8
-/--		



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

20 October 1997

Date of mailing of the international search report

21.10.97

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 97/03550

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 92 20249 A (PHURNESS PTY LTD) 26 November 1992 see abstract; figures ---	7
A	DE 34 47 205 A (WINTER OPTIK) 3 July 1986 see figures -----	8

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 97/03550

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 4419802 A	07-12-95	EP 0688511 A	27-12-95
EP 0284638 A	05-10-88	NONE	
EP 0736266 A	09-10-96	DE 29505886 U	01-08-96
		JP 8299017 A	19-11-96
WO 9220249 A	26-11-92	AU 660980 B	13-07-95
		GB 2273436 A,B	22-06-94
		US 5426870 A	27-06-95
DE 3447205 A	03-07-86	NONE	